

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION**

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JESSE PIERCE and MICHAEL PIERCE,	)	
on behalf of themselves and all others	)	
similarly situated,	)	Civil Action No.: 3:13-cv-00641-CCS
	)	
Plaintiffs,	)	District Judge: Pamela L. Reeves
	)	Magistrate Judge: C. Clifford Shirley, Jr.
v.	)	
	)	
WYNDHAM VACATION RESORTS,	)	COLLECTIVE ACTION COMPLAINT
INC., and WYNDHAM VACATION	)	FOR VIOLATIONS OF THE FAIR
OWNERSHIP, INC.,	)	LABOR STANDARDS ACT OF 1938
	)	
Defendants.	)	

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**DEFENDANTS' NOTICE OF WITHDRAWAL OF  
MOTION FOR SUMMARY JUDGMENT**

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Please take notice that Defendants Wyndham Vacation Resorts, Inc. ("WVR") and Wyndham Vacation Ownership, Inc. ("WVO") (referred to collectively as "Defendants"), withdraw Defendants' Motion for Summary Judgment as to FLSA 7(i) Exemption (Doc. 244), Statement of Undisputed Material Facts Supporting Defendants' Motion for Summary Judgment as to FLSA 7(i) Exemption (Doc. 245) and Memorandum of Law in Support of Defendants' Motion for Summary Judgment as to 7(i) Exemption (Doc. 246).

On May 26, 2017, Wyndham filed Defendants' Amended Answer to Plaintiffs' Complaint (Doc. 261) by consent (Doc. 260) withdrawing its affirmative defenses based on setoff and the retail or service establishment exception provided in U.S.C. § 207(i). As a result the motion for summary judgment is moot.

Respectfully submitted,

s/ Colby S. Morgan

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*ATTORNEYS FOR DEFENDANTS*

## **CERTIFICATE OF SERVICE**

I hereby certify that I have this 26<sup>th</sup> day May, 2017, filed the foregoing document using the Court's CM/ECF filing system, which will automatically send e-mail notification of such filing to the following individuals of record:

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s/ Colby S. Morgan  
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